

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL T. SUMMERS,

Plaintiff,

2:12-cv-1410-TC

v.

FINDINGS AND
RECOMMENDATION

MORGAN DUNLAP, et al.,

Defendants.

COFFIN, Magistrate Judge.

Pursuant to plaintiff's mail from the court being returned as undeliverable, by Order (#14) entered September 21, 2012, plaintiff was ordered to show cause by November 13, 2012, why this case should not be dismissed for failure to prosecute. Plaintiff was advised that failure to notify the court of a current address prior to November 11, 2012 would result in the dismissal of this action.

Plaintiff has not notified the court of a current mailing

address or otherwise responded to the court's order. This action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

Any appeal from an order adopting this Finding and Recommendation or Judgment of dismissal would be frivolous and not taken in good faith.

DATED this 20 day of November 2012.



THOMAS M. COFFIN
United States Magistrate Judge